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8 *Christopher Bates and Jeffrey O'Brien*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
11  
12

13 **Jeff Macy, as an individual,**  
14 **Plaintiffs,**  
15 **v.**  
16 **California Highway Patrol, a State**  
17 **Agency; Officer Christopher Bates;**  
18 **Supervisor Officer Sergeant Jeffrey**  
19 **O'Brien, and Does 1 - 10, inclusive,**  
20 **Defendants.**

Case No.: 5:23-CV-02245-RGK-BFM  
**DEFENDANTS' STATUS REPORT**

Judge: Hon. Brianna Fuller Mircheff  
Trial Date: TBA  
Action Filed: 5/06/2024

21 Defendants California Highway Patrol (CHP), and CHP Officer Christopher  
22 Bates, and CHP Sergeant Jeffrey O'Brien, hereby submit their Status Report.  
23 Counsel for defendants and Plaintiff, in pro per, met and conferred on November 4-  
24 7, 2024, but did not come to an agreement as to all portions of the report.

25 **A. A summary of the proceedings to date and a statement of the**  
26 **principal issues raised by the case.**

27 Plaintiff initially commenced this action on May 6, 2024, alleging civil rights  
28 violations under Section 1983, among other causes of action, arising out of a traffic

1 stop which occurred on June 27, 2023.

2 The operative Complaint is the Second Amended Complaint filed on August  
3 6, 2024. Plaintiff generally alleges the Defendants Christopher Bates and Jeffrey  
4 O'Brien allegedly conducted a prolonged traffic stop and unlawful vehicle search.  
5 Plaintiff successfully challenged the citation issued by Defendants Bates and  
6 alleges that a trash hauling service does not require a seatbelt. Plaintiff alleges  
7 damages, including emotional distress.

8 Key legal issues include Fourth Amendment standards for vehicle searches,  
9 qualified immunity, and the acceptable duration of traffic stops. Discovery has  
10 commenced and Defendants will argue in summary judgment that plaintiff  
11 prolonged the traffic stop when he requested Officer Bates' supervisor, Sergeant  
12 O'Brien, report to the location of the traffic stop. Defendants will also argue that  
13 the vehicle searches did not violate Plaintiff's Fourth Amendment rights because  
14 they were not intrusive, were fleeting, and Plaintiff consented to a search of his  
15 vehicle.

16 **B. A statement as to whether all parties have been served, and if not,**  
17 **a proposed deadline by which service will be completed.**

18 All parties have been served.

19 **C. A description of any discovery completed, and a schedule for any**  
20 **future discovery.**

21 The Parties have exchanged written discovery. Defendants have taken the  
22 deposition of Plaintiff.

23 Defendants are considering an order for a mental examination related to  
24 Plaintiff's emotional distress claim; a motion may be made in January 2025, for an  
25 examination to be completed in March 2025.

26 Plaintiff filed a motion for sanctions, regarding Plaintiff's deposition, that was  
27 denied.

28 ///

1 The Parties requested a discovery conference regarding release of the video  
2 recording of plaintiff's deposition, which was heard on November 7, 2024.

3 **D. A list of contemplated motions, if any, along with proposed dates for**  
4 **the filing and hearing of such motions.**

5 **Plaintiff's Motion for Summary Judgment.** Plaintiff anticipates filing a  
6 motion for summary judgment after the close of discovery.

7 **Defendants' Motion to Compel Video Recording:** Defendants will be filing  
8 a motion to compel the video recording of the deposition of Plaintiff post-  
9 discovery conference does not resolve the dispute. Defendants shall file a Motion to  
10 Compel pursuant a briefing schedule set by the court.

11 **Defendants' Motion for Summary Judgment:** Defendants believe all  
12 claims presented by Plaintiff may be determined by Motion for Summary  
13 Judgment. Defendants anticipate filing a Motion for Summary Judgment in  
14 December 2024, with an anticipated hearing date in January/February 2025.

15 **E. An estimate of the time likely to be required for trial, and a**  
16 **statement as to whether trial by jury is desired and has been properly**  
17 **requested.**

18 Plaintiff estimates trial will take approximately two months, including time to  
19 select a jury.

20 Defendants estimate trial will take approximately four days, including time to  
21 select a jury. Defendants requested a jury trial.

22 Counsel for Defendants Officer Bates, and Sergeant O'Brien currently set for  
23 trial on 4/4/25-4/9/25; 3/24-3/30/25; 7/7/25-7/15/25. Plaintiff is unavailable on the  
24 following dates: 4/10/25-5/2/24.

25 **F. A description of any settlement negotiations that have occurred,**  
26 **and a recommendation as to the form of settlement conference or other**  
27 **method of alternative dispute resolution that would be most appropriate given**  
28 **the nature of this case.**

1 The Parties have not engaged in settlement negotiations. Due to the nature of  
2 the facts and disputed allegations, settlement negotiations will likely not be fruitful.  
3 Any pre-trial resolution will likely be dependent upon this Court's rulings on  
4 defendant's Motion for Summary Judgment/Adjudication which will be filed by  
5 CHP, Officer Bates, and Sergeant O'Brien.

6 **G. Any suggestions the parties may wish to make regarding the**  
7 **management of this action.**

8 None.

9 Dated: November 7, 2024

Respectfully submitted,

10 ROB BONTA  
11 Attorney General of California  
12 IVETA OVSEPYAN  
Supervising Deputy Attorney General

13 */s/ Julio A. Hernandez*

14 JULIO A. HERNANDEZ  
15 Deputy Attorney General  
16 *Attorneys for Defendants*  
*Christopher Bates and Jeffrey O'Brien*

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**DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

**Case Name:** *Macy, Jeff, et al. v. California Highway Patrol, et al.*  
**Case No.:** **5:23-CV-02245-RGK-BFM**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **November 7, 2024**, I served the attached **DEFENDANTS' STATUS REPORT** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jeff Macy  
P.O. Box #103  
Twin Peaks, CA 92391  
**E-mail:** [macybuilders@yahoo.com](mailto:macybuilders@yahoo.com)

*In Pro Per*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **November 7, 2024**, at Sacramento, California.

Donna Kulczyk  
Declarant

/s/ Donna Kulczyk  
Signature